

Category #50:

The Guidelines should require the use of recyclable cleaning packaging and not require products to be used in concentrated form.

State Response:

OGS requires the primary package to be recyclable and manufacturers provide for returning and refilling of their packages. Also, the product and refills are to be in concentrate with explicit instructions for safe dilution and use, and if concentrate versions are not appropriate, ensure bulk versions are sold; not be packaged in chlorinated plastic materials, and efforts are made to ensure packaging with post-consumer recycled content; not be manufactured or formulated with propellants; and not be sold in a disposable wipe format. In addition, the Environmental Conservation Law (Article 37, Title 2) prohibits the sale of packages or packaging components by a manufacturer or distributor which includes in the package itself, or in any packaging component, inks, dyes, pigments, adhesives, stabilizers or any other additives to which lead, cadmium, mercury or hexavalent chromium has been included as an element during manufacture or distribution in excess of concentration levels of 100 parts per million by weight (0.01%).

Vendors are required to follow NYS waste management hierarchy to reduce, reuse, and recycle as much as possible the raw materials and packaging of their products.

The reduction of solid waste in New York State is first in the order of preference in the management of solid waste under the State Solid Waste Management Policy established in New York State's Environmental Conservation Law. Waste reduction focuses on the prevention of solid waste generation through changes in products, packaging and purchasing.

Waste reduction is the design, manufacture, purchase or use of materials to reduce the volume or toxicity before they enter the waste stream. The reuse and recycling of solid waste is second in the order of preference in managing waste materials under the Solid Waste Management Policy. Reuse is when a material, that would otherwise be solid waste, is used over again for its original purpose. Recycling is the use of recovered materials in the manufacturing of a product.

Frequently Asked Public Comment:

Guidelines Section II, Characteristics of Green Cleaning Products: (A) #10, The Primary Packaging Shall be Recyclable (B) Possible Attributes That Could Be Considered In Product Review. (C) Product Must be a Concentrate... (D) VOC Levels

--Item II, sub-item 10. The product packaging shall be recyclable. GS-37 certification allows for non-recyclable packaging by demonstrating reduction in plastic use through life cycle analysis. Ecolab has products that meet this criteria (Oasis Pro). If a product is GS-37 certified, it should be available for sale. No exceptions should be allowed.
(Chuck Hodge, Scientist, Ecolab Inc., Eagan, Minnesota)

--Concentrates (p. 6) - The list of favorable health and environmental characteristics being adopted by the OGS includes the requirement that "the product must be a concentrate" (except in limited circumstances, such as FIFRA products). Use patterns in schools and other public institutions don't always allow use of concentrates. The requirement to use concentrates in this situation may lead to added costs for bulk or concentrate amounts, additional manpower time and cost to mix or dilute concentrates, and additional waste creation and associated costs. We urge the OGS to eliminate this criteria, or qualify it, to permit ready-to-use products (such as glass cleaners) to be used where appropriate and where use of diluted concentrates may not be practical.

(F. H. Brewer, Director, Worldwide Government Relations, S.C. Johnson & Son, Inc. Racine, WI)

--Section II. Characteristics of Green Cleaning Products (page 5-6)

In general, this section requires significant clarification as it is confusing as to its intent. For example, on the one hand, item 11, stipulates the products must be concentrates. Then there are several requirements related to "undiluted compounds." Then at #4, it states that, "Dispensing system concentrates shall be tested as used."

In general, dispensing systems are used to mitigate any potential exposure to workers as well as assuring that products are properly diluted to manufacturer specifications thus avoiding "double dosing." Concentrated cleaning products provide a number of environmental benefits in their own right, i.e., reduced packaging/solid waste as well as transportation efficiencies in terms of fuel consumption per load. In order to avoid deterring customers from using concentrated products, we would propose that the role of dispensing systems in green cleaning be clarified along the following lines.

While retaining the criteria related to "undiluted compounds" generally, it should be stipulated that these criteria do not apply to products used with "dispensing systems." This encourages the use of concentrated products with their recognized environmental benefits while at the same time providing for worker safety.

See our comment on #11 below, there may be circumstances where the purchase of a concentrated product is not appropriate.

Item number 2: this section requires clarification as to the intent of "contains". Does this refer to any "trace" amount or the intentional addition of ingredients that are carcinogens or that are known to cause reproductive toxicity?

Item number 3: The undiluted product shall not be a skin sensitizer as tested by the Organization for Economic Co-operation and Development (OECD). This criterion needs to be clarified; OECD is not a testing organization.

Item number 7: The product as used shall not be toxic to aquatic life. This characteristic should be clarified. Almost all chemicals can be toxic to aquatic organisms at some concentration. The applicable criteria should be presented.

Item number 11: The product must be a concentrate, except for FIFRA-registered bathroom cleaners and absorbent compound carpet cleaners.

The requirement that products must be concentrates is inappropriate. There may be products where the volume used overtime is small, making investment in dilution equipment or increasing the potential for exposure to occur unreasonable.

Item number 13; (and on page 24, item number 13);

Prohibited ingredients include:

- Alkyl phenol ethoxylates
- Dibutyl phthalates
- Heavy metals including arsenic, lead, cadmium, cobalt, chromium, mercury, nickel or selenium
- Ozone-depleting compounds
- Optical brighteners

The list of prohibited ingredients and category of ingredients should be deleted from the guidelines. Concerns being addressed by these proposed prohibitions should be expressed by criteria against which all ingredients in the product are judged, not just those listed. Further, New York State presents no findings that specific ingredients listed, such as alkyl phenol ethoxylates or optical brighteners pose any unreasonable risks to human health or the environment. Absent such findings, no ingredients should be specifically prohibited in products covered by these guidelines.

(Martha R. Macy-Ruhe, Product Safety & Regulatory Affairs, P&G Household Care, The Proctor & Gamble Company, Cincinnati, OH)

--(E) Proposed VOC Limits and Preference for Concentrates are Arbitrary and Would Exclude Certain Products

The DEC recently promulgated regulations incorporating the most stringent technology-forcing regulatory standards for more than 80 types of consumer and institutional product categories developed by the California Air Resources Board (CARB) during the past 16 years.¹¹ See 6 NYCCR Part 200, General Provisions, and Part 235, Consumer and Commercial Products. The OGS' sole reliance on Green Seal standards fails to adequately recognize the significant environmental benefits produced by the existing New York VOC regulations.

The Green Seal standards being incorporated by OGS for Industrial Household Cleaners (GS-37) and Hand Soaps (GS-40) contain VOC limits which are not consistent with VOC limits developed by the California Air Resources Board (CARB) and which have been adopted in New York and other states in the Ozone Transport Commission (OTC). The CARB limits are recognized as being standards which balance air quality concerns with commercial and technological feasibility. It is for this reason they have been "endorsed" by New York's Department of Environmental Conservation (NYDEC). We urge OGS to appropriately conform its VOC standards to those of NYDEC.

As currently drafted, the arbitrary limit on VOCs and preference for concentrates would exclude most (if not all) ready-to-use products and aerosol carpet cleaners. Thus, CSPA believes that the proposed standard's sole preference for concentrated products is neither based on sound science nor sound logic. Ready-to-use and aerosol cleaning products have their own environmental benefits compared to concentrates. For example, products packaged in aerosol form provide unique and important benefits to institutional consumers, and to public health, public safety and the environment. Some of those benefits include:

- Aerosols are hermetically sealed, thereby reducing the likelihood of accidental exposure.
- Aerosols are easy to use, require no mixing, and little or no clean up is required, this minimizing solvent use.
- Aerosol products have a long shelf life, and the concentration of product in the aerosol form does not change over time, thereby again minimizing waste.
- Aerosols are useful for delivering products to hard-to-reach areas.
- Aerosols are designed to deliver the exact right amount of product to a specific area; thereby minimizes costly product waste.

Moreover, approximately 90 percent of aerosol containers are made of recyclable steel and contain an average of 25 percent recycled content. Therefore, it would be unreasonable to arbitrarily preclude the use of carpet cleaners contained in this time-tested and effective package form.

Schools and state agencies should have the flexibility to select the right product for a particular job. Given the wide range of buildings that the State owns or operates, it would be virtually impossible to select a "one-size-fits-all" solution. Consequently, all packaging forms (i.e., ready-to-use, aerosols and concentrates/dilutables) should be considered. It is for these reasons that CSPA urges OGS to eliminate the criteria for concentrates, or qualify it, to permit ready-to-use products to be used.

¹¹ Cal. Code Regs. Title 17, Subch. 8.5.

(Robert J. Kiefer, Director, Scientific and International Affairs and Joseph T. Yost, Director, State Affairs, (CSPA), Consumer Specialty Products Assoc., Washington, DC)

58f. The Soap and Detergent Association is a 109-member national trade association representing the formulators of soaps, detergents, general household cleaning products, industrial/institutional cleaners, and the companies that supply ingredients and packaging to the formulators.

SDA commends New York State's efforts to provide a healthful environment for New York State schools. This is a goal which SDA shares with the State. As the home of the U.S. cleaning products industry, SDA is dedicated to improved health through improved personal hygiene and environmental cleaning. This commitment has been part of SDA's Mission since its founding in 1926.

SDA's main concerns are:

- The characteristics of green cleaning products presented in the proposed guidelines should be amended or clarified;

(B) Characteristics of Green Cleaning Products

In general, this section (page 5-6) requires significant clarification as it is confusing as to its intent. For example, on the one hand, item 11, stipulates the products must be concentrates. Then there are several requirements related to "undiluted compounds." Then item number 4 states that. "Dispensing system

concentrates shall be tested as used."

In general, dispensing systems are used to mitigate any potential exposure to workers as well as assuring that products are properly diluted to manufacturer specifications thus avoiding "double dosing." Concentrated cleaning products provide a number of environmental benefits in their own right, i.e., reduced packaging/solid waste as well as transportation efficiencies in terms of fuel consumption per load. In order to avoid deterring customers from using concentrated products, SDA proposes that the role of dispensing systems in green cleaning be clarified along the following lines.

While retaining the criteria related to "undiluted compounds" generally, it should be stipulated that these criteria do not apply to products used with "dispensing systems." This encourages the use of concentrated products with their recognized environmental benefits while at the same time providing for worker safety. However, there may be circumstances where the purchase of a concentrated product is not appropriate.

Specific Comments on Characteristics/Criteria of Green Cleaning Products:

Item Number 1: The undiluted compound shall not be hazardous to humans.

The requirement that the product as a whole be tested or toxicity data be available on all ingredients in a formulation could promote unnecessary animal testing. Alternative means of assessing the toxicity of products should be presented in order to avoid this outcome.

Item Number 2: The undiluted product shall not contain any ingredients that are carcinogens or that are known to cause reproductive toxicity.

The requirement that the product not contain any ingredients that are known to cause reproductive toxicity without consideration of the risk posed by those ingredients is inappropriate. Reference is made to the list of chemicals known to cause reproductive toxicity of the State of California under the Safe Drinking Water and Toxic Enforcement Act, but the criteria ignores the process under the California law that allows a determination of "no significant risk" to be made through risk assessment. At a minimum, New York State should assess the California risk assessment process and consider adoption of pertinent components into this guideline.

Item Number 3: The undiluted product shall not be a skin sensitizer as tested by the Organization for Economic Co-operation and Development (OECD).

This criterion needs to be clarified. OECD is not a testing organization.

Item Number 7: The product as used shall not be toxic to aquatic life.

This characteristic should be clarified. All chemicals can be toxic to aquatic organisms at some concentration. The applicable criteria should be presented.

Item Number 11: The product must be a concentrate, except for FIFRA-registered bathroom cleaners and absorbent compound carpet cleaners.

The requirement that products must be concentrates is inappropriate. There may be products where the volume used over time is small, making investment in dilution equipment or increasing the potential for exposure to occur unreasonable.

Item Number 12: Manufacturers shall identify any fragrances on their MSDSs. Any ingredient added as a fragrance must follow the Code of Practice of the International Fragrance Association.

The requirement for fragrances to be disclosed on MSDSs could entail disclosure of confidential business information. Provisions should be included in these criteria to allow protection of fragrance information that is confidential.

Item Number 13: Prohibited ingredients include:

- Alkylphenol ethoxylates
- Dibutyl phthalates
- Heavy metals including arsenic, lead, cadmium, cobalt, chromium, mercury, nickel or selenium
- Ozone-depleting compounds
- Optical brighteners

The list of prohibited ingredients and category of ingredients should be deleted from the guidelines. Concerns being addressed by these proposed prohibitions should be expressed by criteria against which all ingredients in the product are judged, not just those listed. Further, New York State presents no findings that the specific ingredients listed, such as alkylphenol ethoxylates or optical brighteners, pose any unreasonable risks to human health or the environment. Absent such findings, no ingredients should be specifically prohibited in products covered by these guidelines.

These recommendations also apply to Appendix #3 (Environmental/Health Criteria for Cleaning Products (Green Seal, Inc., GS-37 for Industrial and Institutional Cleaners)).
(Dennis Griesing, Vice President, Government Affairs and Kathleen Stanton, Associate Director, Scientific Affairs, (SDA), The Soap and Detergent Association, Washington, DC)